

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

NIGEL FREDRICKS,

Plaintiff,

- against -

CORRECTION OFFICER SMITH,

Defendant.

---

21-cv-5669 (JGK)

MEMORANDUM OPINION AND  
ORDER

JOHN G. KOELTL, District Judge:

The appellant, Nigel Fredericks, has moved for leave to proceed in forma pauperis.

"The decision of whether to grant a request to proceed in forma pauperis is left to the District Court's discretion under 28 U.S.C. § 1915. The Court's discretion is limited in that: An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." Burda Media Inc. v. Blumenberg, 731 F. Supp. 2d 321, 322-23 (S.D.N.Y. 2010).<sup>1</sup> The "good faith" standard is an objective one, and it is not met when a party seeks review of a frivolous claim. See Coppedge v. United States, 369 U.S. 438, 445 (1962); Linden v. Harper & Row Publishers, 490 F. Supp. 297, 300 (S.D.N.Y. 1980) (applying the objective good faith standard in the civil context).

---

<sup>1</sup> Unless otherwise noted, this Memorandum Opinion and Order omits all internal alterations, citations, footnotes, and quotation marks in quoted text.

In this case, the appellant has failed to demonstrate that the appellant's claims have any merit. Accordingly, the appellant's application to proceed in forma pauperis is **denied**, without prejudice to the appellant's ability to seek the same relief from the Court of Appeals. See Coppedge, 369 U.S. at 445. The Clerk is directed to close **ECF No. 114**.

**SO ORDERED.**

**Dated: New York, New York  
August 15, 2024**

**/s/ John G. Koeltl**

---

**John G. Koeltl  
United States District Judge**